

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 48

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte MASAMI HIGUCHI

---

Appeal No. 95-1141  
Application 08/068,303<sup>1</sup>

---

HEARD: July 15, 1997

---

Before THOMAS, HAIRSTON, and FLEMING, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

---

<sup>1</sup> Application for patent filed May 28, 1993. According to applicant, the application is a continuation of Application 07/927,718, filed August 11, 1992, Abandoned, which is a continuation of Application 07/483,643, filed February 23, 1990, Abandoned.

This is an appeal from the final rejection<sup>2</sup> of claims 1, 2, 4, 6 through 9 and 11 through 14.

The disclosed invention relates to control boards in a copier, and to the transfer of data from an old control board to a new control board via communication controllers that are provided on each of the individual control boards.

Claims 1 and 12 are the only independent claims on appeal, and they read as follows:

1. A control apparatus for a photocopier, comprising:

a first control board including first control board memory means for storing various kinds of data necessary for operations of the photocopier and including communication control means having a unique set of channels for interchanging control data with sections of the photocopier which are to be controlled by said first control board;

a second control board comprising second control board memory means;

power supply means for simultaneously supplying power to the first control board and to the second control board; and

transfer means for transferring data stored in said first control board memory means from the first control board via at least one of the channels of the unique set of channels of the communication control means to the second control board memory means of the second control board, wherein normal copy operation cannot occur during transfer of data from the first control board to the second control board via the transfer means so that only

---

<sup>2</sup> It appears from the record that the Amendment After Final (paper number 34) was not entered by the examiner (paper number 37), and that the Reply Brief (paper number 35) was entered by the examiner (paper number 40).

Appeal No. 95-1141  
Application 08/068,303

one of the first control board and the second control board can control the copier at any time.

12. A photocopier, comprising:

a control apparatus comprising a first memory means for storing operating history data corresponding to at least one of an operating history and to an operating status of said photocopier, a second memory means, communication controllers, and a communication port having at least a first unique communication channel for connecting said communication controllers to various parts of said photocopier and for controlling said various parts, and means for sending said operating history data stored in the first memory means to the second memory means, via said first unique communication channel; and

wherein the communication port connects to a control board comprising only one of the first memory means and the second memory means.

The reference relied on by the examiner is:

Federico et al. (Federico)                      4,514,846                      Apr. 30, 1985

Claims 1, 2, 4, 6 through 9 and 11 through 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Federico.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection.

According to the examiner (Answer, pages 3 and 4):

Basically the appellant's invention is directed to a photocopier system which implements control boards for controlling the operation of the photocopier. The spirit of the invention lie [sic, lies] in the fact that information stored in one control board can be transferred to a second control board via unique channel(s) present in the system. With respect to this reference, there was such a multi-control board system in which data was stored in the boards (eg., see col. 16 (line 9-et seq., and line 55-et seq.)). Since a SPARE board was present, it was inherent that information from one board (eg., a faulty board) was moved or copied into the SPARE such that the SPARE could resume the functions of the faulty board. If this SPARE board was to assume the duties of the old board it inherently required all of the information (eg., state and/or memory image) of the prior board. Moreover, since the SPARE was a SPARE it obviously did not contain all the information present in all of the boards and hence data was required to be moved to the SPARE. In other words, the SPARE obviously did not contain all data of all boards (such would require to [sic, too] much memory and the SPARE only replace [sic, replaces] one board at a time, thus the other boards [sic, board's] data in the SPARE are moot and unneeded).

We agree with appellant's argument (Reply Brief, pages 10 and 11) that:

Federico et al's teaching of a replacement of a control board by a SPARE control board does not disclose

the recited structure of claim 1 in which the first control board for controlling various sections of the photocopier includes communication control means having a unique set of channels for interchanging control data with sections of the photocopier in combination with transfer means for transferring data stored in said first control board memory means from the first control board via at least one of the channels of the unique set of channels of the communication control means, to the second control board memory means of the second control board and that only one of the first control board and the second control board can control the photocopier at any time. Therefore, any of the control boards of Federico et al in combination with the dedicated control line 80 of Federico et al do not correspond to the combination of the first control board and the transfer means of the present invention (underlining in original).

Thus, the obviousness rejection of claim 1 and the claims that depend therefrom is reversed.

Claim 12 is broader than claim 1, but the examiner has not proven that Federico would inherently include:

A photocopier, comprising:

. . . communication controllers, and a communication port having at least a first unique communication channel for connecting said communication controllers to various parts of said photocopier and for controlling said various parts, and means for sending said operating history data stored in

Appeal No. 95-1141  
Application 08/068,303

the first memory means to the second  
memory means, via said first unique  
communication channel; and

wherein the communication port  
connects to a control board comprising  
only one of the first memory means and  
the second memory means.

Inherency may not be established by probabilities or  
possibilities. See In re Oelrich, 666 F.2d 578, 581, 212 USPQ  
323, 326 (CCPA 1981). The obviousness rejection of 12 and the  
claims that depend therefrom is reversed because nothing in the  
examiner's reasoning demonstrates that the photocopier structure  
of claim 12 would be inevitably present in Federico.

DECISION

The decision of the examiner rejecting claims 1, 2, 4,  
6 through 9 and 11 through 14 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
MICHAEL R. FLEMING	)	

Appeal No. 95-1141  
Application 08/068,303

Administrative Patent Judge )

Appeal No. 95-1141  
Application 08/068,303

OBLON, SPIVAK, McCLELLAND, MAIER AND NEUSTADT  
1755 Jefferson Davis Highway  
Fourth Floor  
Arlington, VA 22202